

**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**CITY OF MEMPHIS**  
**December 21, 2010**

**3:30 P.M. SCHEDULED SESSION**

**3:32 P.M. MEETING COMMENCED**

**ROLL CALL:** Joe Brown, William Boyd, Kemp Conrad, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Reid Hedgepeth, Myron Lowery, Bill Morrison, Jim Strickland, and Chairman Harold Collins. Barbara Swearngen Ware was absent.

**THE MEETING WAS CALLED TO ORDER  
BY SERGEANT-AT-ARMS**

**INVOCATION**

The meeting was opened with prayer by Dr. Frank Thomas, Senior Pastor, from Mississippi Boulevard Christian Church. Councilman Collins presented Dr. Thomas with a certificate naming him Chaplain of the day.

**These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.**

**MINUTES**

**Approval of the Minutes of the regular meeting of December 7, 2010 with the following motion:**

**MOTION:** Hedgepeth – Add Item #25 which was pulled from the Minutes of 11/23 on 12/7, back into the Minutes

**WITHOUT OBJECTION**, Item #25 added back into the Minutes

**MAIN MOTION:** Ford  
**SECOND:** Morrison

AYES: Boyd, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison,  
Strickland and Chairman Collins  
Brown did not cast a vote  
Ware was absent

**APPROVED**, as amended

1. **RESOLUTION RECOGNIZING LT. TYRONE CURRIE OF THE AFRO-AMERICAN POLICE ASSOCIATION FOR HIS OUTSTANDING WORKS IN THE COMMUNITY.**

MOTION: Fullilove  
SECOND: Morrison

**APPROVED**, by unanimous voice vote

2. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTH SIDE OF WINCHESTER ROAD; +/-670 FEET EAST OF MENDENHALL ROAD, CONTAINING 41.83 ACRES IN THE MULTIPLE DWELLING RESIDENTIAL (R-MM AND R-ML DISTRICTS).**

Case No. PD 10-315

Applicant: Power Center Community Development Corporation (Derwin  
Sisnett, Ex. Dir.)  
Askew Hargraves Harcourt and Associates, Inc. (Jay Easter) - Representative

Request: Mixed Use Planned Development (Middle School, Performing Art Center,  
Residential and Commercial Uses)

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Ford  
SECOND: Brown  
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,  
Strickland and Chairman Collins  
Morrison did not cast a vote  
Ware was absent

**APPROVED**, as amended in Committee

3. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHWEST CORNER OF AIRWAYS BOULEVARD AND MEMPHIS DEPOT PARKWAY EXTENDING NORTH TO DUNN AVENUE AND SOUTH TO BALL ROAD, CONTAINING +/-415 ACRES AND IS CURRENTLY GOVERNED BY MEMPHIS DEPOT BUSINESS PARK PLANNED (P.D. 10-301).**

Case No. PD 10-316

Applicants: Depot Redevelopment Corporation of Memphis & Shelby County  
SR Consulting, LLC - Representative

Request: Plan amendment to eliminate the current Use Chart and replace with standard Uses Permitted in Light Industrial (I-L) District with exceptions and add a Condition XI regarding property owners' right to amend Outline Plan with required notification

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Ford

SECOND: Brown

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland and Chairman Collins  
Ware was absent

**APPROVED**, as amended in Committee

**CONSENT AGENDA – Items 4, 6 & 7 may be acted upon by one motion: SEE PAGE 1736 FOR ROLL CALL**

4. **ORDINANCE TO AMEND CHAPTER 2, DIVISION 6, LOCAL SMALL BUSINESS DEVELOPMENT AND PROCUREMENT PROGRAM, UP FOR S E C O N D READING.**

Ordinance No. 5389

**APPROVED**, on Second reading

5. **ORDINANCE TO AMEND CHAPTER 5, CITY OF MEMPHIS, CODE OF ORDINANCES, TO ELIMINATE ANIMAL CONTROL OFFICER'S ABILITY TO ISSUE CITATIONS IN LIEU OF ARREST AND AUTHORIZE SUCH OFFICERS TO ISSUE ORDINANCE SUMMONS IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED SECTION 7-63-201, UP FOR S E C O N D READING.**

Ordinance No. 5390

Back to Committee on 1/4/11

6. **RESOLUTION ACCEPTING RIVERTOWN SEWER IMPROVEMENT AND AUTHORIZING RELEASE OF BOND.**

(Contract No. CR-5056)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Island Dr., south of Auction. The standard improvement contract was approved on February 20, 2007. Resolution also authorizes the release of the letter of credit in the amount of \$120,000.00. This action is subject to County approval.

City Engineer recommends approval

**APPROVED**

**7. RESOLUTION APPROVING FINAL PLAT OF THIRD AND MITCHELL COMMERCIAL SUBDIVISION.**

Case No. S 10-014

Resolution approves the final plat located on the northeast corner of Mitchell and South Third.

City Engineer recommends approval

**APPROVED**

**ROLL CALL CONSENT ITEMS**

MOTION: Flinn – Send Item #5 back to Committee

WITHOUT OBJECTION, Item #5 will be sent back to Committee

MAIN MOTION: Ford  
SECOND: Strickland  
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland and Chairman Collins  
Ware was absent

**APPROVED**, as amended. Item #5 sent back to Committee on 1/4/11

**MLGW FISCAL CONSENT – Items 8-11 may be acted upon by one motion:**

**8. RESOLUTION AUTHORIZING PAYMENT OF LOUISIANA TRUNKLINE PERSONAL PROPERTY TAXES FOR THE GAS DIVISION IN THE AMOUNT OF \$76,873.36.**

**APPROVED**

**9. RESOLUTION AWARDING 36-MONTH CONTRACT FOR PHOTO-ELECTRIC CELL RELAYS TO DTL, DIVISION OF AMERICAN ELECTRIC LIGHTING, AN ACUITY BRAND COMPANY, C/O RUFFIN AND ASSOCIATES, IN THE AMOUNT OF \$219,780.00.**

**APPROVED**

**10. RESOLUTION AWARDING 24-MONTH BLANKET CONTRACT FOR DECORATIVE CONCRETE STANDARDS AND BRACKETS, AS FOLLOWS:**

StressCrete, Inc.....	\$180,162.50
SALCO, Inc.....	<u>60,708.00</u>
Total:	<u>\$240,870.50</u>

**APPROVED**

11. **RESOLUTION APPROVING CHANGE NO. 11 TO CONTRACT NO. 10705, ORACLE SOFTWARE LICENSE AND SERVICE AGREEMENT, WITH ORACLE, IN THE FUNDED AMOUNT OF \$683,295.93. (THIS CHANGE COVERS ADDITIONAL ORACLE TECHNOLOGY STACK LICENSES AND CHANGE MANAGEMENT PACKS).**

**APPROVED****MLGW ROLL CALL CONSENT ITEMS**

MOTION: Strickland  
 SECOND: Morrison  
 AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,  
 Morrison, Strickland and Chairman Collins  
 Ware was absent

**APPROVED**

12. **APPOINTMENT**

**Minority Business Development and Oversight Commission****Appointment**

Roby Williams (Held from 12/7)

MOTION: Strickland  
 SECOND: Ford  
 AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,  
 Morrison, Strickland and Chairman Collins  
 Ware was absent

**APPROVED**

13. **RESOLUTION AUTHORIZING THE EXECUTION, DELIVERY AND PERFORMANCE OF A MASTER EQUIPMENT LEASE AND A SCHEDULE TO THE MASTER LEASE BETWEEN BANC OF AMERICA PUBLIC CAPITAL CORPORATION AND THE CITY OF MEMPHIS, TENNESSEE, RELATING TO THE ACQUISITION OF RED LIGHT CAMERA EQUIPMENT AND TO APPROVE CERTAIN OTHER MATTERS RELATING THERETO FOR THE LEASE. (Held from 12/7)**

MOTION: Lowery  
 SECOND: Boyd  
 AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,  
 Morrison, Strickland and Chairman Collins  
 Ware was absent

**APPROVED**

14. **RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CENTER CITY DEVELOPMENT CORPORATION TO ACT AS TRANSACTIONAL AGENT FOR THE JAMES LEE HOUSE, LOCATED AT 690 ADAMS AVENUE, AND TO AUTHORIZE THE MAYOR OF THE CITY OF MEMPHIS TO SELL THE JAMES LEE HOUSE TO THE PRIVATE DEVELOPER CHOSEN BY CENTER CITY DEVELOPMENT CORPORATION. (This item was pulled from the Minutes of 11/23 on 12/7 and held until 12/21).**

**PULLED**

15. **RESOLUTION APPROPRIATING \$4,000.00 FUNDED BY G.O. BOND-GENERAL IN HAWKINS MILL E OF UNIVERSITY, PROJECT NUMBER PW01216 FOR A CONSTRUCTION CONTRACT BEING ADMINISTERED BY THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION. RESOLUTION STATING ANY FUTURE LOCAL GOVERNMENT INVESTMENT POOL EXPENDITURES FOR THIS PROJECT BE ALLOCATED AND APPROPRIATED WITH THE SOURCE OF FUNDS BEING LOCAL GOVERNMENT INVESTMENT POOL EARNINGS.**

MOTION: Hedgepeth  
 SECOND: Ford  
 AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,  
 Morrison, Strickland and Chairman Collins  
 Ware was absent

**APPROVED**

16. **RESOLUTION APPROPRIATING \$3,000.00 FUNDED BY G.O. BOND-GENERAL IN S PARKWAY EAST AT COLLEGE, PROJECT NUMBER PW01218 FOR A CONSTRUCTION CONTRACT BEING ADMINISTERED BY THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION. RESOLUTION STATING ANY FUTURE LOCAL GOVERNMENT INVESTMENT POOL EXPENDITURES FOR THIS PROJECT BE ALLOCATED AND APPROPRIATED WITH THE SOURCE OF FUNDS BEING LOCAL GOVERNMENT INVESTMENT POOL EARNINGS.**

MOTION: Hedgepeth  
 SECOND: Boyd  
 AYES: Boyd, Brown, Conrad, Flynn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,  
 Morrison, Strickland and Chairman Collins

Ware was absent

**APPROVED**

17. **RESOLUTION APPROPRIATING \$1,000.00 FUNDED BY G.O. BOND-GENERAL IN ST. ELMO AT MT. TERRACE ST, PROJECT NUMBER PW01219 FOR A CONSTRUCTION CONTRACT BEING ADMINISTERED BY THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION. RESOLUTION STATING ANY FUTURE LOCAL GOVERNMENT INVESTMENT POOL EXPENDITURES FOR THIS PROJECT BE ALLOCATED AND APPROPRIATED WITH THE SOURCE OF FUNDS BEING LOCAL GOVERNMENT INVESTMENT POOL EARNINGS.**

MOTION: Hedgepeth

SECOND: Ford

AYES: Boyd, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland and Chairman Collins

NAYS: Brown  
Ware was absent

**APPROVED**

18. **FILING OF THE CERTIFIED RESULTS FROM THE NOVEMBER 2, 2010 ELECTION, FROM THE SHELBY COUNTY ELECTION COMMISSION.**

MOTION: Hedgepeth

SECOND: Strickland

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland and Chairman Collins  
Ware was absent

**APPROVED**

We, the undersigned members of the Shelby County Election Commission, do hereby certify that we held a **MEMPHIS RESIDENCE** and a **MEMPHIS STAGGERED TERMS** Referendum Election on Tuesday, November 2, 2010 and in all of the voting precincts in the City of Memphis according to law, for the purpose of ratifying the referendum question hereinafter, and that we have canvassed the returns of said election as required by law, and we do hereby certify that the following 1 pages of tabulation are a true, correct, and complete accounting of the results by precinct of said election as established by the canvassing of the returns, this 17<sup>th</sup> day of November, 2010. **(Election results on file in Council Records Office)**

Bill Giannini, Chairman, County Election Commission  
Myra C. Stiles, Secretary, County Election Commission  
James H. Johnson, Member, County Election Commission  
Robert Meyers, Member, County Election Commission  
Steve Stamson, Member, County Election Commission

19. **APPOINTMENTS**

**ANIMAL SHELTER ADVISORY BOARD**

Appointments

John R. Cox  
Stephen R. Tower

MOTION: Strickland  
SECOND: Morrison  
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,  
Morrison, Strickland and Chairman Collins  
Ware was absent

**APPROVED**

20. **RESOLUTION AUTHORIZING THE MEMPHIS-SHELBY COUNTY AIRPORT AUTHORITY TO ISSUE A SERIES OF AIRPORT REVENUE REFUNDING BONDS IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$200,000,000.00, TO REFUND CERTAIN OUTSTANDING BONDS OF THE AUTHORITY.**

MOTION: Hedgepeth  
SECOND: Morrison  
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,  
Morrison, Strickland and Chairman Collins  
Ware was absent

**APPROVED**

21. **RESOLUTION APPROPRIATING \$50,000.00 FOR THE TIRE REDEMPTION PROGRAM AND EXTENDING THE PROGRAM TO 2011.**

MOTION: Boyd  
SECOND: Hedgepeth  
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,  
Morrison, Strickland and Chairman Collins  
Ware was absent

**APPROVED**

**MINUTES**

Approval of the Minutes of the regular meeting of December 21, 2010 for items 8, 11, 13, 19, 20 & 21 only:



MOTION: Strickland  
SECOND: Boyd  
AYES: Boyd, Brown, Conrad, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison,  
Strickland and Chairman Collins  
Flinn did not cast a vote  
Ware was absent

**APPROVED**

**INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:**

Chairman Collins recognized the following persons who spoke from the audience:

Yvonne B. Acey, 5340 Norma Ave., Memphis, TN 38109  
Walter Broady, 4256 Ledbetter Avenue, Memphis, TN 38109  
Charles Nelson, 475 Foote Park Lane, Memphis, TN 38126

**ADJOURNED MEETING AT 4:32 P.M.**

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

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C H A I R M A N

Attest:

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Deputy Comptroller/Council Records